

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES ALIRIO HERNANDEZ-SAMAYOA,

Defendant.

4:18CR3125

ORDER

Defendant has moved to continue Defendant's change of plea hearing. (Filing No. 54). As explained by counsel, defense counsel cannot attend the hearing at the currently scheduled date and time. The motion to continue is unopposed. Based on the representations of counsel, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 54), is granted.
- 2) Defendant's plea hearing will be held before the undersigned magistrate judge on April 23, 2019 at 10:30 a.m.. Defendant is ordered to appear at this hearing.
- 3) For the reasons stated by counsel, the Court finds that the ends of justice served by continuing Defendant's plea hearing outweigh the best interest of Defendant and the public in a speedy trial. Accordingly, the time between today's date and the district court judge's acceptance or rejection of the anticipated plea of guilty shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

March 26, 2019.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge